

# Spill Prevention, Preparedness, and Response Program

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## Program Mission

Protect Washington's environment, public health, and safety through a comprehensive spill prevention, preparedness, and response program. The Spills Program focuses on preventing oil spills to Washington waters and land and ensuring effective response to oil and hazardous substance spills whenever they occur.

## Environmental Threats

Billions of gallons of oil and hazardous chemicals move through Washington each year, by ship, pipeline, rail, and road. Accidents, equipment failure, and human error can all lead to unintended and disastrous consequences. Oil and chemical spills into Washington's waters can threaten some of the most productive and valuable ecosystems in the world, while spills on land threaten public health, safety, and the environment. The effects can be acute and chronic and can damage the state's economy and quality of life.

## Authorizing Laws

The harm done by major oil spills in late 1980s and early 1990s aroused public concern and resulted in state and federal legislation to protect the environment and human health from such spills. Specific Washington laws include:

- *Chapter 90.56 RCW, Oil and Hazardous Substance Spill Prevention and Response*
- *Chapter 88.46 RCW, Vessel Oil Spill Prevention and Response*
- *Chapter 90.48, RCW, Water Pollution Control*

## Constituents/Interested Parties

The agency works closely with people interested in environmental protection, emergency response, the oil industry, the shipping and transportation industry, and other users of Washington's waters. This includes:

- *Federal, state, local, and tribal governments, including the U.S. Coast Guard and local emergency management agencies*

- *The Governments of Canada, British Columbia, and Oregon*
- *Vessel owners and operators worldwide, marine transportation trade associations, public ports, and maritime trade unions*
- *Oil refineries, marine terminals, and oil pipelines*
- *Spill response cooperatives and contractors*
- *Environmental organizations and the general public*

## Major Activities

### Prevention

Prevention is the agency's highest priority. The single best way to keep the environment healthy and to keep down the costs of environmental protection is to prevent the release of oil or hazardous substances. The Spills Program carries out a number of prevention activities, including:

#### *Vessel Screening, Inspection, and Oil Transfers:*

The agency reviews safety related information (screening) on approximately 2,600 cargo and passenger vessels each year before they arrive in Washington waters. This evaluates a ship's potential risk of having an incident that can lead to an oil spill. This information is used by Ecology's experienced maritime personnel who conduct approximately 900 onboard inspections of commercial ships each year to evaluate risk, provide technical assistance, and verify compliance with international, federal, and state requirements. The agency inspects bunkering (vessel refueling) operations and provides technical assistance to help reduce the frequency of spills during fuel transfers.

*Neah Bay Rescue Tug:* Over the past three winters, a tug stationed at Neah Bay has provided an important additional margin of safety for vessel propulsion and steering failures in the western Strait of Juan De Fuca and off Washington's rugged outer coast. The rescue tug is capable of controlling a fully loaded oil tanker or cargo ship in bad weather to prevent vessel casualties, major

oil spills and loss of life. Ecology oversees the contract and collaborates with the Coast Guard on when to deploy the rescue tug.

***Incident Investigations:*** Agency personnel investigate oil and hazardous material near-miss incidents and actual accidents to determine what can be done to prevent future problems. They provide case studies of significant “lessons learned” to industry and use the information to make sure the agency focuses on the issues that add the most value.

***Oil Handling Facilities:*** There are 36 oil handling facilities in Washington under state regulation. Agency personnel review and approve the facilities’ oil spill prevention plans and operation manuals to ensure that they are designed and operated in a manner that minimizes the potential for oil spills.

***Assessing and Managing Risk:*** The agency analyzes the risks of oil spills in geographic areas and from certain activities. This provides information for the community to better understand, anticipate, and manage the two components of risk – *probability* of a spill and *consequences*, including damages to natural resources, the economy, and quality of life.

### ***Preparedness***

The state approved oil spill contingency plans maintained by regulated vessels and facilities help assure that companies have a spill response contractor on retainer and have a plan to respond to spills immediately with the proper equipment and trained personnel. The first few hours of a spill are crucial. An effective response to a spill must begin immediately if damages are to be minimized. Preparedness activities include:

***Contingency Plan Review and Oil Spill Drills:*** Agency personnel review and approve oil spill contingency plans from oil handling facilities and large commercial vessels. Contingency plan “holders” and spill response companies maintain their response readiness through drills, with participation and evaluation by the Department of Ecology.

***Geographic Response Plans:*** Agency personnel work with other agencies and private sector spill response experts to develop geographic based response plans. The plans identify and rank response strategies that best protect natural resources, drinking-water supply intakes, marinas, sensitive archeological sites, and other important shoreline segments requiring special protection. This allows spill cleanup contractors to start an immediate response with minimal initial consultation.

### ***Response***

The agency responds to accidental and intentional releases of oil and hazardous materials. These activities include:

***24-Hour Statewide Response:*** The agency provides round-the-clock response to oil and hazardous material spills that pose a risk to public health, safety, and the environment. Incidents may be co-managed with the responsible party, and local, tribal, and federal emergency response personnel. The agency ensures that damage from the spill is contained within the smallest area possible and cleaned up as quickly as possible.

***Methamphetamine Drug Lab Cleanup:*** Agency spill responders work with law enforcement personnel to dispose of drug lab chemicals from the sites of illicit methamphetamine drug labs and lab dumps. Removing these chemicals and processing them for proper disposal reduces the immediate threat to public health and safety posed by the illegal labs.

***Compliance and Enforcement:*** The agency can take enforcement and compliance actions for violations related to oil and hazardous material spills, including imposing fines and requiring changes in operating practices to prevent future spills.

### ***Natural Resource Damage Assessment and Restoration***

When an oil spill causes significant damage to publicly owned natural resources, the agency coordinates assessing the degree of damage, and seeking fair compensation from the responsible

party(s). The agency works with other organizations using the collected monies to restore the injured resources.

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## Major Issues

### ***Strengthening the State/Coast Guard Partnership***

On May 25, 2001, Governor Locke and 13<sup>th</sup> U.S. Coast Guard District Commander Admiral Brown, signed a memorandum of agreement on oil spills. This agreement further strengthens federal and state collaborative efforts to prevent and respond to oil spills in Washington's waters. The Department of Ecology and the U.S. Coast Guard are beginning the work for a cooperative vessel inspection program, sharing information, and monitoring oil transfer operations. Other joint initiatives include implementing recommendations from the North Puget Sound Oil Spill Risk Management Panel, managing the risk of oil spills in Haro Strait and on the Columbia River, and working with the Pacific States/British Columbia Oil Spill Task Force to implement a coastal vessel risk management system from California to Alaska.

### ***Making the Neah Bay Rescue Tug Permanent***

The Legislature funded the tug for the 2000-01 and 2001-02 winter seasons, providing \$1.65 million and \$1.7 million, respectively, for emergency towing assistance. The agency continues to work with interested parties, legislators, the state's congressional delegation, and federal officials to establish permanent federal and state funding. Over the 2001 Thanksgiving weekend, the rescue tug was instrumental in keeping the 906-foot decommission oil tank ATIGUN PASS off of Washington's beaches, preventing a large oil spill. The value of such tugs has already been demonstrated in Alaska, Japan, South Africa, Great Britain, the Netherlands, and in the Baltic Sea. Ecology will continue its efforts to maintain Washington's only spill prevention system on the outer coast.

### ***Improving Marine Safety on the Columbia River***

The Columbia River experienced a number of vessel groundings and oil spills during the first half of 2001. The waterway's winding channel precludes establishing a radar-based vessel traffic service, while high traffic volumes and little under-keel clearance for deep draft vessels contribute to the likelihood of a collision or powered grounding. The Department of Ecology, in concert with other interested parties, is placing an increased emphasis on reducing risk in this waterway through activities that may include testing a prototype computer based vessel position system (AIS) and waterway risk analyses.

### ***Improving the Safety of Major Oil Pipelines***

The 1999 oil spill and explosion from Olympic Pipeline in Bellingham released more than 200,000 gallons of gasoline, killed three people, and caused extensive environmental damage. The incident highlighted the risk posed by petroleum transmission pipelines. The 2001 Legislature funded one additional person in the agency to strengthen the state's ability to prepare for and respond to these spills.

### ***Enhancing Oil Spill Contingency Plans***

The agency's rules for facility and vessel oil spill contingency plans were adopted in 1991 and 1992. Recent drills have identified gaps in the ability of industry contingency plan holders to respond to a probable "worst case" oil spill. The agency is updating its rule to strengthen spill response standards, establish salvage and other vessel emergency service standards, improve the drill program, and make other necessary changes.

### ***Meeting Expanding Drug Lab Cleanup Workload***

Since 1994, the agency has had to clean up an ever-increasing number of drug labs. This activity has reduced the agency's ability to respond to oil spills and hazardous material incidents. The 2001 state operating budget provided funding for six new drug lab responders, which will free up existing staff to refocus on other environmental and public health and safety threats.

### ***Tax Structure & Funding Needs***

The Spills Program is funded by a five-cent tax on each barrel of oil (0.12 cent per gallon) imported into the state. A number of equity and funding stability issues have been raised related to the tax. These concerns include a tax credit for oil exported from the state, an exemption on oil imported by pipeline, and the fairness of relying entirely on the petroleum industry for funding. The tax credit has resulted in periodic revenue fluctuations that hinder the effectiveness of state efforts.

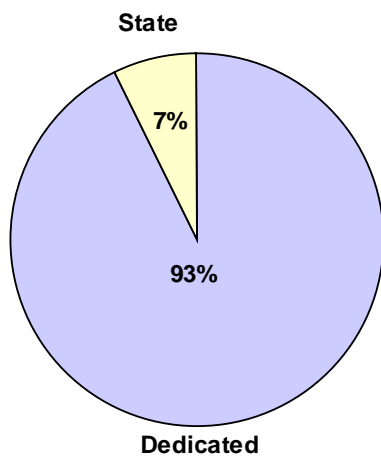
# Spill Prevention, Preparedness, and Response Program Budget

Budget: \$23,254,774; Staffing: 68 FTEs

| State                        | (\$ Amount) | Sources  | Uses  |
|------------------------------|-------------|--|---|
| General Fund - State         | 1,700,000   | Multiple   | Emergency towing services for Puget Sound including the Neah Bay Rescue Tug (FY 02 only)          |
| <b>Dedicated Funds</b>       |             |  |   |
| Oil Spill Prevention Account | 6,964,215   | Barrel Tax – 5 cent per barrel tax on first possession of petroleum imported into and consumed in Washington State | Routine oil spill prevention, preparedness, and response work                                     |
| Oil Spill Response Account   | 7,078,000   | Barrel Tax – 5 cent per barrel tax on first possession of petroleum imported into and consumed in Washington State | Oil spill cleanup where state response costs are expected to exceed \$50.00                       |
| Coastal Protection Fund      | 1,084,000   | Natural Resource Damage Assessments (NRDA); spill penalties; and a small contribution from the marine gas tax      | Restoration of natural resources damaged by oil spills, certain non-personal related oil projects |
| State Toxics Account         | 6,428,559   | Hazardous substance tax; monies recovered from remedial actions and penalties                                      | Routine hazardous material spill preparedness and response work including drug lab cleanup        |

SPILLS

Spills Program Dollars by Fund Source



Spills Program Dollars by Activity

